

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendant Missouri In Home Services, LLC's<sup>1</sup> (“Defendant”) “Motion for Sanctions for Plaintiff’s Failure to Appear at Deposition” (Doc. 42) and the Parties’ Consent Motion to Amend Case Management Order (Doc. 41). On September 27, 2019, the Parties filed a Consent Motion to Amend the Case Management Order requesting a fifteen-day extension to the discovery deadline and the dispositive motions deadline (*Id.*). In support of their consent motion, the Parties indicated that Defendant needed additional time to obtain Plaintiff’s medical records from a certain medical provider (*Id.*). On October 1, 2019, Defendant filed its “Motion for Sanctions for Plaintiff’s Failure to Appear at Deposition” (Doc. 42). In its Motion, Defendant indicates that Plaintiff’s deposition was scheduled for September 30, 2019, but neither she nor her counsel appeared at the deposition (*Id.*). Defendant further asserts that both defense counsel and his office attempted to personally call Plaintiff’s counsel but that no one answered the phone and counsel’s voicemail was full (*Id.*). Defendant notes that defense counsel did not receive any communication from Plaintiff’s counsel regarding

<sup>1</sup> Defendant continues to incorrectly include former Defendant Missouri Home Therapy, LLC in its filings. Defendant Missouri Home Therapy, LLC was dismissed from this action upon Plaintiff's filing of her Amended Complaint, excluding Defendant Missouri Home Therapy, LLC (See Doc. 33).

counsel's unavailability (Doc. 42). In light of the serious nature of Defendant's motion and the prior representations to the Court regarding Plaintiff's unavailability (*See* Docs. 38, 39),

**IT IS HEREBY ORDERED** that the Parties' Consent Motion to Amend Case Management Order (Doc. 41) is **GRANTED, in part** and **DENIED, in part**. The discovery deadline and the dispositive motions deadlines are stayed pending resolution of Defendant's Motion. The Court will issue an amended case management order at that time.

**IT IS FURTHER ORDERED** that Plaintiff shall respond to Defendant Missouri In Home Services, LLC's "Motion for Sanctions for Plaintiff's Failure to Appear at Deposition" (Doc. 42) on or before **October 8, 2019**. In his response, Plaintiff's counsel shall indicate whether he has been able to discuss the serious nature of Defendant's Motion with Plaintiff. The Court may set the Motion for hearing at a later date.

Dated this 4th day of October, 2019.

/s/ Noelle C. Collins  
NOELLE C. COLLINS  
UNITED STATES MAGISTRATE JUDGE